HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17559 of 2006

Dated:19.09.2006

Between:

Munnuru Ananthaiah.

…Petitioner

and

The Collector and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17559 of 2006

ORDER:

The petitioner claims to be pattadar of land in Survey No.100/E admeasuring Acs.10.18 guntas situated at Nagulpally Village of Peddamul Mandal in Ranga Reddy District. He allegedly purchased the same under registered sale deed. In 1993 the petitioner filed W.P.No.6621 of 1993 seeking a writ of mandamus directing the respondents to locate the boundaries and fix the boundary stones for Survey No.100/E situated at Nagulpally Village of Peddamul Mandal in Ranga Reddy District. Initially, the learned Single Judge of this Court (Hon'ble Sri Justice D.J.Jagannadha Raju) disposed of the Writ Petition on 25.06.1993 directing the Director of Survey and Settlement, the Head Deputy Inspector of Survey and Settlement, Vikarabad, and the Revenue Inspector, to take further action in accordance with the Rules and get the missing boundary stones fixed up as per the demarcation work done by the Mandal Surveyor on 26.12.1991. The petitioner again filed an interlocutory application, being W.P.M.P.No.31064 of 1998 in W.P.No.6621 of 1993, seeking a direction to the respondents to implement forthwith the orders of this Court passed on 25.06.1993. The matter was again placed before another learned single Judge of this Court (Hon'ble Sri Justice N.Y.Hanumanthappa, as His Lordship then was). On 24.11.1999 this Court again passed orders in W.P.No.6621 of 1993 allowing the Writ

Petition and directed the official respondents to consider the request of the petitioner to survey and fix the boundary stones. The petitioner now alleges that the same was not done. Therefore, the present Writ Petition is filed seeking a direction to the respondents, namely the District Collector, the Director of Survey and Settlements, the Head Deputy Inspector of Survey and Settlement and the Revenue Inspector, Peddamul Mandal, to demarcate and fix the boundary stones in accordance with the directions of this Court in W.P.No.6621 of 1993, dated 24.11.1999.

The matter was adjourned at a preliminary hearing stage on 25.08.2006 to enable the learned Assistant Government Pleader for Revenue (General) to get instructions. After getting instructions, the learned Assistant Government Pleader submits that the demarcation of Survey No.100/E was already completed by the staff of the Office of the Assistant Director, Survey and Land Records, Ranga Reddy District, on different occasions in response to the petitions filed by the petitioner. It is also alleged that when the petitioner made an application to the Chairman, Legal Mandal Service Committee, Vikarabad, again the demarcation was done and boundaries were shown in the presence of the Chairman of such Legal Service Committee. He also submits that even after completion of the demarcation, the petitioner again filed a petition in the Grievance Cell of the District Collector, who directed the Assistant Director to depute survey staff for demarcation. In response thereto, the Assistant Director submitted a copy of the survey report to the District Collector on 07.02.2006.

In view of the submissions made by the learned Assistant Government Pleader as noticed hereinabove, the limited enquiry in the matter of this nature ought to be given quietus. However, the Legal Aid Counsel for the petitioner as well as the petitioner who is present in the Court stoutly deny that any such survey was conducted. The petitioner is elderly person aged about eighty years and though he has been going round the revenue officials and survey officials from 1982 onwards, still survey is not completed according to his satisfaction. In such a case, so as to clear all the doubts from the mind of the petitioner, it would be in the interest of justice that after giving notices to the parties concerned, if again a survey is conducted by the survey staff in the presence of the Assistant Director of Survey and Land Records, Ranga Reddy District, the Mandal Revenue Officer, Peddamul Mandal, and the Revenue Divisional Officer concerned. Such survey should ensure that the petitioner and his major son/sons,

if any, may also be present so that the petitioner again does not rake up the issue.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.09.2006
vs